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FLOOR DEBATE

April 9, 2001 LB 398, 440

offer this afternoon, I'll try to be as brief as possible, what I'm proposing is an amendment that is an amended version of LB 440 that was introduced to the Health Committee, moved by that committee to the floor of the Legislature. When this bill was originally introduced, there was opposition by one mail-order company, 1-800-Contacts, that have had all of their issues resolved. Senator Suttle has agreed to allow us to amend this onto her bill, onto LB 398. Basically what we've done in LB 440 is to try to bring out-of-state mail order contact lens suppliers under the same state oversight that our local companies have to comply with. Requires them to register with the Department of Health and Human Services Regulation and Licensure, in order to dispense contact lenses within Nebraska. Because contact lenses are worn directly on the eye, contact lenses are federally classified as a medical devise, to be dispensed only by a valid prescription. That is presently the legal requirement within the state of Nebraska. We found that though some state...some mail-order houses do provide...do require prescriptions, others do not. And without a change in the statutes, there's no means for us to require them to do so. This amendment, or the bill, will effectively bring the mail order contact lens suppliers, essentially the same requirements that are presently enforced with regard to pharmaceutical sales. The amendment does not change the rules which Nebraska companies and healthcare providers have been following for many years. It simply makes clear that everyone who does business in Nebraska, by supplying contact lenses, must play by the same rules, and be subject to basically the same level of enforcement and oversight. By extending the requirements currently incumbent on in-state contact lens providers to those in other states, the amendment is clearly in the interest of Nebraska consumers. As I have said, and I'm sure you all received...we're flooded with e-mails early on, when this bill was first introduced, the objects that have been raised have been dealt with and have been agreed to by all parties. I feel this is an amendment that is very valid and is in keeping with protecting the citizens of our state. And also protects those people who wish to do business in our state. So I would move the amendment.

PRESIDENT MAURSTAD: Thank you, Senator Byars. Debate on the Byars' amendment? Senator Byars, you're recognized to close.